

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JASON MCLEAN and  
BRIAN COLEMAN,

Plaintiffs,

v.

COMMUNICATIONS CONSTRUCTION  
GROUP, LLC.,

Defendant.

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\* C. A. 06-617 SLR

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\* JURY TRIAL DEMANDED

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AFFIDAVIT IN SUPPORT OF MOTION FOR PERMISSION TO APPEAL IN  
FORMA PAUPERIS

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm penalty of perjury under United States laws that my answers on this form are true and correct.

SIGNED: Brian Coleman

SWORN AND SUBSCRIBED BEFORE ME ON THIS 2nd DAY OF April 2008

Maggie Clausell  
Attorney at Law  
29 Del. C. § 4323(a)(3)  
Notarial Officer



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MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

1. Brian Coleman was a Plaintiff in the above captioned action.
2. The Court issued an order granting Defendant's motion for summary judgment on March 7, 2008.
3. Pursuant to Federal Rule of Appellate Procedure, Rule 24, Plaintiff now files a Motion for Permission to Appeal in forma pauperis.
4. The primary issue on appeal is whether there were material facts in dispute such that the Judge's decision to grant Defendant's motion for summary judgment was in error.
5. For the reasons outlined in the attached application, Plaintiff is unable to pay the fees for the appeal to the United States Court of Appeals for the 3rd Circuit.

Wherefore now, the Plaintiff petitions the Court to grant the Motion for Permission to Appeal in Forma Pauperis.

LAW OFFICE OF MAGGIE CLAUSELL, LLC,



Maggie Clausell, Esq.

Bar ID 4532

9 E. Loockerman Street #205

Dover, DE 19901

*Attorney for Plaintiff*

DATE: April 1, 2008

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ORDER

AND NOW, it is hereby ORDERED that the above Motion for Permission to Appeal In Forma Pauperis is granted on this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
Judge

51

## FEDERAL RULES OF APPELLATE PROCEDURE

Form 4

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
N/A		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ None	\$
Are real-estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 50	\$
Home maintenance (repairs and upkeep)	\$ 0	\$
Food	\$ 750	\$
Clothing	\$ 50	\$
Laundry and dry-cleaning	\$ 50	\$
Medical and dental expenses	\$ 0	\$
Transportation (not including motor vehicle payments)	\$ 0	\$
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$
Insurance (not deducted from wages or included in mortgage payments)	\$ 0	\$
Homeowner's or renter's	\$ 0	\$
Life	\$ 0	\$
Health	\$ 0	\$
Motor Vehicle	\$ 0	\$
Other:	\$ 0	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 0	\$
Installment payments	\$ 0	\$
Motor Vehicle	\$ 0	\$
Credit card (name):	\$ 0	\$
Department store (name):	\$ 0	\$
Other:	\$ 0	\$
Alimony, maintenance, and support paid to others	\$ 0	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify):	\$ 0	\$
Total monthly expenses:	\$ 550	\$

Form 4

FEDERAL RULES OF APPELLATE PROCEDURE

52

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?  
☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid -- or will you be paying -- an attorney any money for services in connection with this case, including the completion of this form? ☒ Yes ☐ No

If yes, how much? \$ 2,000.00

If yes, state the attorney's name, address, and telephone number:

Ronald G. Poliquin, Esq.  
30 The Green Dover, DE 19901  
(302) 672-5600

11. Have you paid -- or will you be paying -- anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?  
☐ Yes ☒ No

If yes, how much? \$ \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I am currently unemployed with no source of income.

13. State the address of your legal residence.

1526 Thicket Road  
Camden, DE 19934

Your daytime phone number: 202 284-8782 9782

Your age: 35 Your years of schooling: 12

Your social-security number: 064-56 [REDACTED]

(As amended Apr. 24, 1998, eff. Dec. 1, 1998.)

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to the monthly rate. Use gross amounts. Report amounts before any deductions for taxes or other items.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$	\$ 0	\$
Self-employment	\$ 3,200	\$	\$ 0	\$
Income from real property (such as rental income)	\$ 0	\$	\$ 0	\$
Interest and dividends	\$ 0	\$	\$ 0	\$
Gifts	\$ 0	\$	\$ 0	\$
Alimony	\$ 0	\$	\$ 0	\$
Child support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 0	\$	\$ 0	\$
Unemployment payments	\$ 0	\$	\$ 0	\$
Public assistance (such as welfare)	\$ 0	\$	\$ 0	\$
Other (specify):	\$ 0	\$	\$ 0	\$
<b>Total monthly income:</b>	<b>\$ 3,200</b>	\$	<b>\$ 0</b>	\$



Form 4

FEDERAL RULES OF APPELLATE PROCEDURE

50

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
Self Employed	1526 Thicket Rd.		\$9,200.00
Wright Way	173 Brenda Lane		
Flagging	Camden, DE 19934	02/07-07/07	\$700.00

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
N/A			

4. How much cash do you and your spouse have? \$ 0  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
Wells Fargo	Checking	\$ 0	\$
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor vehicle #1	(Value)
				Make & year: Lincoln 2002	\$19500
				Model: LS	
				Registration #: 992301	
Motor vehicle #2	(Value)	Other assets	(Value)	Other assets	(Value)
Make & year: Ford 1995	\$3500				
Model: F150					
Registration #: N/A					

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A		